|            |  | ,                              |              |               |
|------------|--|--------------------------------|--------------|---------------|
| DU         | DGET LE  | TTER                           | NUMBER:      | 11-09         |
|            | CAPITAL OUTLAY FIVE-YEA<br>AND BUDGET SUBMISSION |                                | DATE ISSUED: | June 17, 2011 |
| REFERENCES | STATE ADMINISTRATIVE AND AB 1473 (CHAPTER        | - IVIAINOAL SEC 0021, E1. SEQ. | SUPERSEDES:  | BL 10-05      |

TO: Agency Secretaries

Department Directors
Department Budget Officers
Department Accounting Officers
Department of Finance Budget Staff

FROM: DEPARTMENT OF FINANCE

NOTE: Budget Officers are requested to forward a copy of this Budget Letter (BL) to the Department's Facilities Manager as well as program personnel with capital outlay infrastructure needs.

| Deadlines and Delive | rables |   |
|----------------------|--------|---|
|                      |        | ar Infrastructure Plans, including all required supporting ntation, due to your Department of Finance budget analyst. |

This Budget Letter (BL) provides detailed instructions and due dates for submitting Major and Minor Capital Outlay Budget Change Proposals (COBCPs) and Five-Year Infrastructure Plans. Major COBCPs, detailed Minor COBCPs and a summary Minor COBCP, if applicable, and Five-Year Infrastructure Plans are due by **August 1, 2011**. Any state agency with capital outlay needs in 2012-13 through 2016-17 must submit a Five-Year Infrastructure Plan, including the necessary COBCPs and/or Capital Outlay Concept Papers (COCPs) as detailed in this BL. Adjustments that are needed to conform to the enacted 2011-12 Budget are due by **September 1, 2011**.

1. Submittal of the 2012 Five-Year Infrastructure Plans, COBCPs, and COCPs.

## A. FIVE-YEAR INFRASTRUCTURE PLANS

The Governor is required to annually submit a Five-Year Infrastructure Plan in conjunction with the Governor's Budget. A procedures manual for completing the five-year plan in accordance with the statutory requirements is available on the Department of Finance's (Finance) website: <a href="http://www.dof.ca.gov/fisa/bag/bagtoc.htm">http://www.dof.ca.gov/fisa/bag/bagtoc.htm</a>, Capital Infrastructure Plan Procedure. Per this BL, these plans are due **August 1**, **2011**, along with all necessary COBCPs and COCPs.

**Reminder** – All Five-Year Infrastructure Plans must consider the state planning priorities, as required by Government Code section 65041.1, including, but not limited to the following:

- Promote infill development by rehabilitating existing infrastructure.
- Protect environmental and agricultural resources by protecting and preserving the state's most valuable natural resources.
- Encourage efficient development patterns by ensuring that infrastructure associated with development, other than infill, support efficient use of land and is appropriately planned for growth.

STATE OF CALIFORNIA

All state entities are required to provide a narrative explanation of how these planning priorities have been incorporated into their five-year infrastructure plan on a statewide basis as it relates to programmatic drivers and infrastructure needs as reported in the Five-Year Infrastructure Plans.

Because these planning priorities are most relevant at the project level, the COBCP includes a section to describe how each project is or is not consistent with these statewide planning priorities. Additional justification must be provided for projects that are not consistent with these statewide planning priorities to be considered for funding.

## **B. MAJOR CAPITAL OUTLAY**

All COBCPs and COCPs for all *major* capital outlay projects proposed for the 2012-13 Governor's Budget and the 2012 Five-Year Infrastructure Plan must be submitted to Finance no later than **August 1, 2011** (one month later than last year's schedule).

**Reminder** – State agencies requesting new or expanded facilities must clearly demonstrate how existing facilities do not meet programmatic needs. Given the Administration's desire to continue to work to achieve state government efficiencies and to downsize government operations, it is important that departments consider the effect programmatic efficiencies and reductions will have on future infrastructure needs.

# • Documents Required to Request Capital Outlay Funds:

- ✓ For budget year and project specific out-year proposals included in the Five-Year Infrastructure Plan: COBCP(s) as described in Attachment 1.
- ✓ For conceptual proposals: COCP(s) as described in Attachment 3.
- ✓ For <u>ALL</u> proposals: Fiscal Impact Worksheet(s) (FIW) as described in Attachment 4. All FIW documents <u>must be e-mailed to the appropriate Finance capital outlay budget analyst</u>. It is requested that FIWs for all COBCPs and COCPs be submitted in one Excel workbook (except as approved by Finance) with each tab clearly labeled with the corresponding project title.
- ✓ It is essential that FIW formatting, including the number of lines and calculated cells, is not adjusted. Therefore, the FIW in attachment 4 must be used to generate all FIWs for the 2012 Five Year Infrastructure Plan. Do not use previous versions of the FIWs.
- ✓ All documents submitted to Finance must also be provided in hard copy.
- When to Prepare a COBCP: Complete COBCPs are required for all new projects or capitalized leases (See Attachment 1) proposed to be included in the 2012-13 Governor's Budget. For continuing phases of previously funded projects, departments must submit a complete COBCP and FIW; any changes to the cost or scope of the project must be clearly identified and justified.
- Requesting Budget Packages: Budget packages are used to verify feasibility, scope, and costs
  of projects. Finance may utilize infrastructure planning funds for budget packages when Finance
  determines a budget package is required for a specific project and funding is not otherwise
  available. Departments may submit requests to Finance to fund specific budget packages or
  utilize departmental support funds to contract with the Department of General Services (DGS),
  Real Estate Services Division, prior to submission of COBCPs. However, use of support funds
  does not guarantee future funding of a project, so departments are advised to check with Finance
  prior to initiating their own budget package.

- Agency Review and Distribution: Five-Year Plans, including COBCPs and COCPs must be approved by the Agency Secretary, as applicable, prior to submission to Finance. After agency approval, submit:
  - ✓ Three copies to Finance, Capital Outlay Unit, 915 L Street, Ninth Floor. (Submit *four* copies to the Capital Outlay Unit for projects based on enrollment/caseload/population changes, program workload adjustments, or program policy changes [the extra copy will be given to the Finance support analyst]).
  - ✓ <u>DO NOT</u> submit copies of COBCPs or COCPs to the Legislative Analyst's Office (LAO). Finance will coordinate release of the information to the LAO.

These copies are in addition to any copies that the Agency Secretary may require.

- Late Five-Year Plans: Requests for late Five-Year Plan submittals must be approved by the Agency Secretary, as applicable, and submitted in writing to Greg Rogers, Assistant Program Budget Manager, by July 1, 2011. Late submittals without prior approval may be returned without review.
- Updates to COBCPs, COCPs, and Five-Year Infrastructure Plan: Updates to 2012-13 COBCPs, COCPs, and the Five-Year Infrastructure Plan will be accepted no later than **September 1, 2011,** and only under the following circumstances:
  - ✓ Changes to the required construction cost index or escalation procedures (see Budget Letter 10-15 for more details).
  - ✓ Conforming action to the 2011-12 Budget (update must be technical in nature). Changes for any other reason will be deferred to the 2013-14 capital outlay budget cycle unless previously approved by Finance.

## Major Capital Outlay Budget Reminders:

- ✓ A capital outlay appropriation is required for the acquisition of real property or any lesser interest in real property (includes, but not limited to, capitalized leases, easements, purchase options, and rights-of-way), except as otherwise authorized.
- ✓ All major capital outlay projects are subject to the administrative oversight of the State Public Works Board (PWB) unless specifically exempted. Departments must follow PWB and Finance administrative requirements when implementing projects. Questions on these requirements should be directed to the Finance Capital Outlay Unit at (916) 445-9694.
- ✓ Augmentations to capital outlay appropriations may be made by the PWB in accordance with GC section 13332.11, through the Budget Act, or through special legislation.
- ✓ Project scope may *not* be altered except in conformance with GC section 13332.11. Finance determines which project changes are classified as scope changes. Project managers and departments must review potential scope changes with the Finance Capital Outlay Unit. Unapproved scope changes may result in project termination. To avoid project termination, it is recommended that departments err on the side of caution and discuss any potential scope changes with Finance before proceeding with those changes.
- ✓ Funds may not be transferred between major capital outlay projects, unless specifically authorized in the Budget Act or by other statute.

✓ Capital outlay appropriations and reappropriations are generally available for three years. However, appropriations for preliminary plans and working drawings are only available for encumbrance for one year. Construction appropriations are available for encumbrance for up to three years, but revert at the end of the first year of appropriation if Finance has not allocated the funding through fund transfer or approval to proceed to bid (see Section 1.80, Budget Act of 2010 for current availability periods for all project phases).

#### C. MINOR CAPITAL OUTLAY

Minor capital outlay is any project under **\$600,000** (except an acquisition project), which has been specifically budgeted as a minor project and which a department has been authorized to implement directly pursuant to Public Contract Code section 10108. Resources Agency capital outlay projects up to \$777,000 may be budgeted as minor projects with the concurrence of Finance. Departments may not circumvent the budget process by "piecemealing" larger projects through several minor projects.

- **Deadlines and Distribution**: Minor capital outlay projects are included in the five-year program as a lump sum for each of the five years. A single summary COBCP is also required for minor projects. Send two copies to Finance and two copies to DGS.
  - ✓ **Augmentations**: A minor capital outlay project is not subject to PWB oversight, and by practice the PWB does not augment projects not subject to its approval. However, Finance may authorize increases to the amount approved for a minor project by redirection within the department's minor program within the same fiscal year, if the increase does not result in a project that exceeds the minor capital outlay limit as set forth in Public Contract Code section 10108.

If you have any questions, please contact your Finance capital outlay budget analyst at (916) 445-9694.

/s/ Karen Finn

Karen Finn

Program Budget Manager

Attachments

## CAPITAL OUTLAY BUDGET CHANGE PROPOSALS

A Capital Outlay Budget Change Proposal (COBCP) is required for all capital outlay projects (both major and minor) proposed for the Governor's Budget and for certain capitalized leases that do not have prior legislative authority. This attachment provides:

- An overview of the purpose of the COBCP.
- Additional information on when a COBCP is required.
- A sample of the required COBCP format. An electronic copy of the COBCP form and instructions for completion with illustrations are available on the Department of Finance (Finance) website at: <a href="http://www.dof.ca.gov/html/budlettr/forms/fin">http://www.dof.ca.gov/html/budlettr/forms/fin</a> form.htm.

**Purpose of the COBCP:** In broad terms, the COBCP justifies the funding request. Specifically, the COBCP must:

- Define the department's problem and establish its significance.
- Provide basic background and detail of alternatives considered.
- Demonstrate that the department has explored all reasonable alternatives to solving the problem and offered the most logical and cost-effective solution.
- Provide detailed documentation for the proposed solution and its cost.
- Explain how the project supports the department's strategic plan.

Finance will consider only those proposals that *convincingly* meet all five of these requirements.

## A COBCP (or an updated COBCP) is required for:

- Any request for a capital outlay appropriation, whether for acquisition of land, structures, or construction, including minor projects. A COBCP is also required for project augmentations that exceed the State Public Works Board's (PWB's) augmentation authority (i.e., over 20 percent).
- Requests for Finance Letters to adjust an existing project proposal, whether for technical or policy reasons, or to add an urgent new proposal.
- Requests for provisional language to enter into a lease with purchase option. Although no capital expenditure is made when entering into a lease with a purchase option, the potential for a capital acquisition is created. The department must demonstrate, through a cost-benefit analysis and an associated economic analysis, that it has analyzed the potential alternatives (e.g. state construction, lease-purchase agreement, pure lease) and has selected the best alternative before Finance will concur with the associated space request. Requests to exercise purchase option authority through the Budget Act must be submitted as a separate COBCP with an accompanying economic analysis. (A COBCP is required whether or not there is a related support BCP for lease costs.)
- Requests to enter into a lease-purchase agreement for capital assets. Although no capital
  expenditure is made under a lease-purchase agreement, a capital acquisition does occur. If the
  authorization for a lease-purchase is sought through the Budget Act, the department must
  submit a COBCP comparing alternatives to meeting its space requirements and demonstrating,
  through a cost-benefit analysis, that a lease-purchase agreement is the most cost-beneficial
  method of project delivery.

- Exercising a purchase option on capital assets. Exercising a purchase option (even a \$1 purchase option) requires a capital outlay appropriation. An updated COBCP must be submitted showing that the proposed acquisition is still cost-beneficial considering any possible changes in program need, lease market conditions, and state construction alternatives.
- Entering into any other lease, which meets the definition of *capitalized lease*. A lease agreement is a capitalized lease (in substance, a purchase) when substantially all of the risks and benefits of ownership are assumed by the lessee. If a lease meets *any one of the following conditions*, it is a capitalized lease:
  - 1. Ownership of the leased asset is transferred to the state at the end of the lease period.
  - 2. The lease gives the lessee the option of purchasing the leased asset at a nominal value at some point during or at the end of the lease period.
  - 3. The period of the lease (a *single* term of a lease, not including renewals) is 75 percent or more of the estimated useful life of the leased asset.
  - 4. The present value of the minimum lease payments is 90 percent or more of the fair value of the leased asset (i.e., the lease payments over a *single* term of the lease are substantially the same as the purchase price).

Unless existing statute authorizes a capitalized lease, the lease requires specific legislative authority. If the Budget Act will be used to provide that authority, a COBCP is required whether or not a capital outlay appropriation is needed.

- Modulars and trailers. The purchase of modular buildings or trailers (temporaries) where the
  temporary is intended as a permanent facility must be submitted as a COBCP. Requests for
  modular buildings intended as an interim solution for a permanent facility or housing need must
  be submitted as a support budget request. In any event, both the Finance support and capital
  outlay analyst will concurrently review requests for temporaries to determine if the proposal is
  the most cost effective resolution to the identified problem.
- Minor alterations projects authorized by Control section 6.00 of the Budget Act.
   Section 6.00 authorizes the use of support funds for some minor alteration projects (i.e., those costing less than \$600,000), subject to Finance approval and legislative notification for projects costing more than \$100,000. Requests must be submitted for review to the Finance Capital Outlay Unit with substantially the same information as required in a COBCP. Finance approval is required prior to the encumbrance of funds.
  - Note: Acquisition projects funded via section 6.00 are subject to the same acquisition oversight requirements (e.g. State Public Works Board) as would be required for an acquisition funded via a capital outlay appropriation.
- Additionally, if a support budget increase is needed as a result of a capital outlay project—including rent increases pursuant to a lease—a separate support BCP must also be submitted concurrent with the COBCP to the appropriate Finance support unit.
- Capital outlay projects that include an information technology (IT) component must also comply with the IT reporting requirements contained in sections 4800 to 5953 and sections 6700 to 6780 of the State Administrative Manual (SAM) and the Statewide Information Management Manual (SIMM). Examples of IT activities typically addressed in capital outlay projects include: the purchase and/or upgrade of IT equipment or software; the installation and/or upgrade of telecommunications equipment (excluding voice only); or the installation and/or upgrade of local area network equipment or software. The California Technology Agency (formerly OCIO) is responsible for the review and approval of IT activities from a technology and business cost/benefit perspective. The typical review vehicle is the Feasibility Study Report. Questions

regarding the state's IT reporting requirements should be directed to the Technology Agency. All IT reporting requirements must be met before the IT component of a capital outlay project may be approved.

• Group 2 equipment phases of projects. Group 1, fixed equipment, is incorporated into or attached to the facility and therefore is included in the construction phase of a project. Group 2, movable equipment, is budgeted as a separate phase. For a COBCP requesting the Group 2 equipment phase of a project, provide the project appropriation history, including the project name, Budget Act items, and project code. Definitions of Group 1 and Group 2 equipment are provided in SAM section 6855.

For Group 2 equipment, identify how funding needs were determined. Show *all* items of equipment to be placed in a particular space, indicating whether the item is to be purchased by the agency or transferred from another building or location. Account for all equipment currently available in buildings to be replaced by the new structure. Final approval of equipment lists generally follows approval of preliminary plans. Exceptions to this rule are discussed in SAM section 6855.

Movable equipment that does not meet the definition of capital outlay per SAM section 6806 is not a capital outlay expenditure. These costs are proposed and funded in the state operations appropriation (i.e., additional funding may be requested via a support budget change proposal).

- Coordination of STD. 9s with COBCPs and BCPs. Departments submit space action requests (STD. 9s) for:
  - ✓ New or additional space (including swing space), lease extensions, or renewals desired by an agency in non-institutional buildings—whether state-owned or leased.
  - ✓ Re-locatable buildings and trailers.

Finance approval of a STD. 9 does not constitute approval for a support budget increase or a capital outlay appropriation, or approval to include authorization language for a lease-purchase, purchase option, or option execution in the Budget Act. If any of these is required, either a support BCP or a COBCP (or both) must be submitted to Finance. SAM section 6453 provides additional information.

- Architectural and Engineering (A&E) fees. A&E fees (basic and non-basic) are charged for
  architectural and engineering work performed either by the department or by consulting
  professionals. Expenses may also include project-related construction management support,
  such as construction inspection, travel, bidding expenses, and drawings. Contact DGS for
  assistance with budgeting A&E fees.
- **Swing space for capital outlay projects**. Swing space (i.e., temporary accommodations during a facility remodel) is a state operations cost that must be noted as informational on the COBCP but requested separately as a support BCP.
- Allowable cost indices. Departments must use the California Construction Cost Index (CCCI).
  Use of any other index requires Finance concurrence. Budget Letter 10-15 outlines the current process for establishing the base CCCI for a project and how to estimate future construction costs (currently 0.42 percent per month to the start and midpoint of construction).

STATE OF CALIFORNIA DEPARTMENT OF FINANCE
CAPITAL OUTLAY 915 L Street

**BUDGET CHANGE PROPOSAL (COBCP)** 

COVER PAGE (REV 04/11)

Sacramento, CA 95814 IMS Mail Code: A15

# **BUDGET YEAR 2012-13**

| ORG CODE:      | _ COBCP NO                | PRIORITY:                   | PROJECT ID:                         |               |
|----------------|---------------------------|-----------------------------|-------------------------------------|---------------|
| DEPARTMENT: _  |                           |                             |                                     |               |
| PROJECT TITLE: |                           |                             |                                     |               |
| TOTAL REQUEST  | Γ (DOLLARS IN THO         | USANDS): \$                 | MAJOR/MINOR                         | :             |
| PHASE(S) TO BE | FUNDED:                   | PROJ CAT:                   | CCCI/EPI:                           |               |
| SUMMARY OF PR  | ROPOSAL:                  |                             |                                     |               |
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STATE OF CALIFORNIA

CAPITAL OUTLAY

BUDGET CHANGE PROPOSAL (COBCP)

NARRATIVE PAGE (REV 04/11)

DEPARTMENT OF FINANCE

915 L Street

Sacramento, CA 95814

IMS Mail Code: A15

**BUDGET YEAR 2011-12** 

| OR | RG CODE:                | COBCP NO            | PRIORITY:          | PROJECT ID:   |
|----|-------------------------|---------------------|--------------------|---|
| Us | e additional page       |                     |                    | d fully address all of the items.<br>re additional information. |
| A. | PURPOSE OF 1            | ГНЕ PROJECT: (probl | lem, program need, | , infrastructure deficiency)                                    |
| B. | RELATIONSHIF and goals) | OTHE STRATEGIC      | PLAN: (relevance   | e of problem/need to mission                                    |

- C. ALTERNATIVES: (for each, describe the proposed alternative and provide a brief summary of scope, cost, funding source, program benefits, facility management benefits, and impact on support budget)
- D. RECOMMENDED SOLUTION:
  - 1. Which alternative and why?
  - 2. Detail scope description.
  - 3. Basis for cost information.
  - 4. Factors/benefits for recommended solution other than the least expensive alternative.
  - 5. Complete description of impact on support budget.
  - 6. Identify and explain any project risks.
  - 7. List requested interdepartmental coordination and/or special project approval (including mandatory reviews and approvals, e.g. technology proposals).

- E. Consistency with Government Code section 65041.1:
  - 1. Does the recommended solution (project) promote infill development by rehabilitating existing infrastructure and how? Explain.
  - 2. Does the project improve the protection of environmental and agricultural resources by protecting and preserving the state's most valuable natural resources? Explain.
  - 3. Does the project encourage efficient development patterns by ensuring that infrastructure associated with development, other than infill, support efficient use of land and is appropriately planned for growth? Explain

NARRATIVE, PAGE \_\_\_ OF \_\_\_

# **CAPITAL OUTLAY BUDGET CONCEPT PAPER**

A Capital Outlay Budget Concept Paper (COCP) is required for all conceptual capital outlay proposals included in the Five-Year Infrastructure Plan. This attachment provides:

- An overview of the purpose of the COCP.
- Information on when a COCP is required.
- A sample of the required COCP format. An electronic copy of the COCP form and instructions for completion are available on the Department of Finance's (Finance) website at: <u>Budget Letters</u> -California Department of Finance

**Purpose of the COCP:** The COCP has been developed for use in place of the traditional COBCP for those needs that cannot be described as a specific project. To the extent possible, the COCP must justify the funding request. Specifically, the COCP must:

- Define the department's problem and establish its significance.
- Provide basic background and detail of alternatives considered.
- Demonstrate that the department has explored all reasonable alternatives to solving the problem and offered the most logical solution.
- Provide assumptions/methodology for the proposed solution and its cost.

# A COCP (or an updated COBCP) is required for:

 Any request for inclusion in the Five-Year Infrastructure Plan, whether for acquisition of land, structures, or construction, including minor projects.

# **Capital Outlay Concept Paper**

Plan Year: (year for which capital outlay plan is proposed)

Department: (Name of Department)

Org. Code: (4 digit code)

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| 1. Cummary of the                | roposal:             |                                |              |        |
| 2. Problem Identif               | fication:            |                                |              |        |
| 3. Alternative Sol               | utions Considered:   |                                |              |        |
| 4. Detailed Project              | ct Description/Recon | nmended Solution:              |              |        |
| 5. Summary of Sp                 | pace Standards/Met   | nodology:                      |              |        |
| 6. Summary of Co                 | ost Methodology:     |                                |              |        |
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Agency Secretary:

## FISCAL IMPACT WORKSHEET

A Fiscal Impact Worksheet (FIW) is required for ALL capital outlay proposals, conceptual and project specific, included in the Five-Year Infrastructure Plan. This attachment provides:

- An overview of the purpose of the FIW.
- A sample of the required FIW format. An electronic copy of the FIW form and instructions for completion are available on the Department of Finance (Finance) Budget Letters website.

**Purpose of the FIW:** The FIW serves as the source data for Finance's Capital Outlay Project Tracking System (COPTS). **IT IS CRITICAL TO FOLLOW THIS FORMAT.** 

# DO NOT ADD OR DELETE ROWS OR COLUMNS.

- The Fiscal Impact Worksheet (lines 1 through 50 of the COBCP spreadsheet) is used to report a project's cost and funding data, schedules, and project specific codes.
- The Fiscal Detail Worksheet (lines 51 through 100 of the FIW) is used to collect detail information to support the cost/benefit analysis for the project.
- The Scope Worksheet (lines 101 through 111) is used to summarize the scope language related to a project.
- Dollars are to be displayed in thousands (do not use whole dollars).

An FIW is required to be included with <u>any</u> request for inclusion in the Five-Year Infrastructure Plan.

A separate FIW is to be completed for each project. All FIWs are to be submitted to the Finance capital outlay budget analyst electronically (one workbook containing all FIWs with tabs clearly labeled with each project's name) in addition to the hardcopy included in the COBCP.